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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/329,659 06/10/99 FENTON

D 99-40113-US

EXAMINER

TM02/0308

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MORGAN, R

ART UNIT

PAPER NUMBER

2166

DATE MAILED:

03/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/329,659

Applicant(s)

FENTON ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-4, 6-15, 17-24, 26-32 and 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 48315265 to Luchs et al.

--In considering claim 1, the claimed subject matter that is met by Luchs et al. includes:

- 1) the claimed method of processing an insurance application and receiving the application for a insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor(see: column 3, lines 5-16).
- 2) the claimed automatically approving or denying of the application based on comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied(see: column 7, lines 29-31 and column 8, lines 1-8).
- 3) the claimed automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step(120) in

which a client is offered a policy and at this point must choose to accept or decline(see: column 17, lines 1-15).

- 4) the claimed issuing the policy upon electronic acceptance of the user when all steps are completed during a single user session is met by the client and the underwriter reaching approval of the policy and the policy getting prepared for printing and mailing once all previous steps are completed(see: column 17, lines 31-40).

Claim 2 recites subject matter that was met in claim 1 above, as well as the claimed stored criteria being stored in a database is met by the data bank which allow data to be stored and edited(see: column 15, lines 45-67).

Claim 3 recites subject matter that was met in claim 1 above, as well as the claimed stored criteria in executable code is met by the ability of the central processor(23) to store and access information in its data bank and the capability to access and review other databases for relevant information(see: column 14, lines 36-45).

Claim 4 recites subject matter that was met in claim 1 above, as well as the claimed applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client and the issuer giving approval for printing and mailing of the policy to the accepting client(see: column 17, lines 31-66).

Claims 6-12 recites subject matter that was met in claim 1 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage,

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accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables(see: column 7-10).

--In considering claim 13, the claimed subject matter that is met by Luchs et al. includes:

- 1) the claimed method of processing an application for an amendment to an existing policy or insurance and receiving the application for an amendment to a policy of insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor which then check for error to be corrected(see: column 16, lines 31-67).
- 2) the claimed automatically approving or denying of the application based on comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied(see: column 7, lines 29-31 and column 8, lines 1-8).
- 3) the claimed automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step(120) in which a client is offered a policy and at this point must choose to accept or decline(see: column 17, lines 1-15).
- 4) the claimed issuing the policy upon electronic acceptance of the user when all steps are completed during a single user session is met by the client and the underwriter

reaching approval of the policy and the policy getting prepared for printing and mailing once all previous steps are completed(see: column17, lines 31-40).

--In considering claim 14, the claimed subject matter that is met by Luchs et al. includes:

- 1) the claimed computerized system for processing an insurance application during a single user session and means for receiving the application for a insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor(see: column 3, lines 5-16).
- 2) the claimed means for automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied(see: column 7, lines 29-31 and column 8, lines 1-8).
- 3) the claimed means for automatically offering a policy of insurance to the user during a the user session in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step(120) in which a client is offered a policy and at this point must choose to accept or decline(see: column 17, lines 1-15).
- 4) the claimed issuing the policy upon electronic acceptance of the user when all steps are completed during a single user session is met by the client and the underwriter

reaching approval of the policy and the policy getting prepared for printing and mailing once all previous steps are completed(see: column17, lines 31-40).

Claim 15 recites subject matter that was met in claim 14 above, as well as the claimed applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client(see: column 17, lines 31-66).

Claims 17-22 recites subject matter that was met in claim 14 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables(see: column 7-10).

--In considering claim 23, the claimed subject matter that is met by Luchs et al. includes:

- 1) the claimed computerized system for processing an insurance application during a single user session, comprising a server and a database used to transmit an application for a policy of insurance to a user over a computer network in response to a request is met by the central processor and each terminal having the means to input and retrieve information in the data bank to response to the information entered by the terminal operator(see: column 3, lines 5-30).
- 2) the claimed server automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or

disapproving a application are satisfied(see: column 7, lines 29-31 and column 8, lines 1-8).

- 3) the claimed server automatically offering a policy of insurance to the user during a the user session in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step(120) in which a client is offered a policy and at this point must choose to accept or decline(see: column 17, lines 1-15).
- 4) the claimed server applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client(see: column 17, lines 31-66).

Claim 24 recites subject matter that was met in claim 23 above, as well as the claimed applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client(see: column 17, lines 31-66).

Claims 26-31 recites subject matter that was met in claim 23 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables(see: column 7-10).

--In considering claim 32, the claimed subject matter that is met by Luchs et al. includes:

- 1) the claimed computer-readable medium tangibly embodying instructions which, when executed by a computer, implements a process for receiving an application for a policy of insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor(see: column 3, lines 5-16).
- 2) the claimed automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied(see: column 7, lines 29-31 and column 8, lines 1-8).
- 3) the claimed automatically offering a policy of insurance to the user during a the user session in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step(120) in which a client is offered a policy and at this point must choose to accept or decline(see: column 17, lines 1-15).
- 4) the claimed applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client(see: column 17, lines 31-66).

Claim 33 recites subject matter that was met in claim 32 above, as well as the claimed applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client(see: column 17, lines 31-66).

Claims 35-40 recites subject matter that was met in claim 32 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables(see: column 7-10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 16, 25, and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,831,526 to Luchs et al. in view of U.S. Patent No. 6,064,987 to Walker et al.

Luchs et al. fails to disclose a method for receiving a credit card number from the applicant prior to issuance of the policy for use in payment of premiums.

Walker et al. discloses the use of credit cards to pay for any desired purchase(see: column 1, lines 19- 45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use credit cards as was shown by Walker in the insurance application system of Luchs in order to facilitate the process of payment since the use of an electronic

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payment system would create a more efficient and effective method of payment for the insurance policy.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art Ryan et al. (5,655,085) uses a computer system for initiating, processing, preparing, and storing of insurance policies.

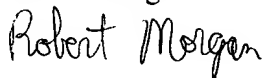
In related art Walker et al. (6,119,093) provides a system for facilitating the sale of an insurance policy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is 703-605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-1396 for regular communications and 703-308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Robert Morgan



February 13, 2001



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